Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, November 20, 2024.

Call to Order/Roll Call
Chairman Sny called the meeting to order at 6:30 pm.
Present: J. Sny, C. Boyd, J. Henson, S. Hensley, L. Hallman, G. Baber, M. Pollard, T. Loomis & J. Wright
Absent: None

Approval of Minutes
Item 2A. Consider approval of the October 22, 2024, Regular Meeting Minutes
Motion: C. Boyd made a Motion to Approve the Amended October 22, 2024, minutes. M. Pollard seconded the motion.
Vote: The motion passed unanimously (8-0).

Public Comments:
Brittany Duncan, Huntersville; Opposed – R24-09
Frank Gammon, Huntersville; Opposed – R24-09
Amy Hallman, Huntersville; Opposed – R24-09
Elaine Kerns, Huntersville; Opposed – R24-09
Derong Huang, Huntersville (Applicant R24-09); For – R24-09
Cole Miller, Huntersville; Opposed – R24-06
Marilyn Ainslie, Huntersville; Opposed – R24-12
Josh Burberick, Huntersville; Opposed - R24-12
Toni Burberick, Huntersville; Opposed – R24-12

J. Henson stated that he had a conflict on Items 4A and 4B.
Motion: J. Sny made a motion to recuse J. Henson for items 4A and 4B. S. Hensley seconded the motion.
Vote: The motion passed unanimously (8-0).

Action Items
Item 4A: Consider a recommendation on #R24-09 located west of NC115 along Gilead Rd. Project Name Town Center General Rezoning
B. Richards, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

G. Baber asked if the restriction to hours of operation for commercial use that exist within NR zoning would be the same for TC zoning. Staff stated that there currently are no restrictions to the hours of operation for a commercial business within TC zoning.

G. Baber asked if there are restrictions to the maximum building height that would be permitted in the TC Zoning. Staff responded that restrictions to building height are relative to building type and not zoning. As any proposed use would be adjacent to a single-story building, mass and scale would affect what would be permitted or recommended for approval and would have to tier up.

C. Boyd asked if there are any other examples or precedent set for a general rezoning without knowing the building type or business that would be on the subject property in the future. Staff commented that general rezonings are not commonly used. The Town did do a general rezoning about one thousand acres to Corporate Business in the past to create specific corridors and areas for business development.

L. Hallman commented that this is a good idea but the wrong method in his opinion. He asked if the parcels not sharing more adjacent property lines was prohibitive to being submitted as a General Rezoning, if individual site plans and uses would be provided, if Tier 1 and Tier 2 uses was known. Staff responded that the properties do not have to be adjacent to qualify for a General Rezoning, individual site plans are not a requirement of this process, and the uses would be decided by the market for the locations under the uses permitted within the zoning.

L. Hallman commented that in his opinion there are a lot of areas in the Downtown Plan and 2040 Plan that do not agree with the elements of General Rezoning, this includes ED1.3 for Inventory & Protecting Strategic Development Sites and the opening paragraph of the Implementation section. He then requested more balance in the staff's comments to draw those out.

L. Hallman referred to the Staff report question, if the proposed reclassification would affect any known archaeological, environmental, cultural, or historical resource. Staff's comment was that there was no known effect which omits historical and cultural. L. Hallman then asked staff if that means that are negative affects on historical and cultural. Staff responded that any properties included that have a historical designation would have to abide by the rules of the historical designation regardless of the zoning therefore the zoning change is not adversely affecting the properties.

C. Boyd asked if the owners of the parcels will be required to come back through the Board approval process if and when they determine what they want to develop in the future. Staff stated that any proposed uses within Town Center zoning without exceptions or modifications would be administratively approved. Any exceptions or modifications would require a conditional rezoning which would return for Board approval. C. Boyd asked staff to confirm that means that a business that plays music all night long could be approved in one of these proposed locations. Staff confirmed that music could be played but it would be subject to the Town's noise ordinance and become a police matter if violated.

M. Pollard commented that General Rezoning has a place in the community such as an Industrial Park where few adjacent neighbors would be affected, he expressed concern that this may not be the place for a General Rezoning given the invested diversity of the properties including Huntersville Elementary, Discovery Place Kids, and existing residents.

The Board had followed up discussion to understand fully current permitted uses, current permitted hours of business, and current permitted outdoor music. Staff confirmed that any conditional rezoning negotiation requires the Town and applicant to come to an agreement to be accepted and that current business, 760 Craft Works currently has no time limits on playing music outdoors.
J. Sny asked if properties 115 & 117 Gilead Road could be purchased by one entity and used for a singular project. Staff confirmed that could happen and would most likely require recombination.

L. Hallman asked if North State purchased 115 & 117 Gilead Road, if they could incorporate that into their existing development. Staff responded that it would require written agreements between the two developments and would not change the buffer requirements.

Motion: S. Hensley made a motion to recommend approval of R24-09, Town Center General Rezoning. The Planning Board finds that it is consistent with the Huntersville 2040 Community Plan and specifically policies LU6.1, 6.2, EV1.2, 2.2, 2.3, and the Gathering Principle of the Downtown Master Plan. The Town Center zoning district will be consistent with the character and uses adjacent to the subject properties. It is reasonable and in the public interest to amend the Zoning ordinance to help facilitate future development of the subject parcels, to help the Town and the citizens of the 2040 Master Plan and 2022 Downtown Master Plan. M. Pollard seconded the motion.

S. Hensley commented that in his opinion this is a philosophical decision as much as it is a Zoning decision. He stated that in his opinion, owners of real estate should be able to do what they want with their property within the scope of the laws. There are plenty of properties zoned TC now that people can develop by-right and there are still Zoning Ordinances that must be followed for that zoning district. It is easier for a small owner to come through the General Rezoning process versus the Conditional Rezoning process and price tag. In his opinion this is appropriate because it is adjoining parcels that are Town Center zoning and, in his opinion, most residents would like to see Gilead Road developed with more commercial development and this would assist the current owners with facilitating that process.

M. Pollard commented that he thinks that there is value in the General Rezoning process when you have a good idea of the outcome in structure and use but this may not be appropriate in the Town Center core as a makeup of the Downtown.

C. Boyd asked for confirmation if a single parcel could come for a General Rezoning versus a Conditional Rezoning. Staff confirmed that this is the same thing that is occurring tonight.

G. Baber commented that rezoning to Town Center for these parcels appears to make sense, but it also sounds like residents would like to have more say over what uses will be permitted through the Conditional Rezoning process.

T. Loomis commented that she would like to see the parcels not be bundled together in the request.

J. Wright commented that she appreciates who her neighbor is and that it is important to be able to know what the anticipated use would be.

L. Hallman commented that the parcels should not be bundled, and he feels for the small business owners in the potential associated fees but there will be site plan fees with development either way. In his opinion, the parcel at 121 Gilead Road does not need the rezoning because it per the staff report it is commercial office with a proposed commercial office use, 106 and 115 Gilead Road say single-family residential to proposed single-family residential. 117 Gilead Road states that it wants to rezone from a daycare, but it has already been approved to be a restaurant, with proposed uses allowed under Town Center zoning.

S. Hensley commented that one reason that he likes by-right zoning is because he has seen great plans come in as conditional rezonings that have been denied due to people getting off on a tangent or for a relatively irrelevant matter, as an example tree save. Trees are great but denying an entire plan because tree save is barely met or not exceeded is not good practice. The Zoning Ordinance has been vetted and allowing parcels to change their overall zoning to allow for the vetted uses makes sense.

T. Loomis commented that the bundle of the properties with all the applicants not being present is an issue for her.

Vote: The motion failed (1-7) with C. Boyd, T. Loomis, G. Baber, J. Sny, J. Wright, M. Pollard, and L. Hallman opposed.

Motion: L. Hallman made a motion to recommend denial of R24-09, Town Center General Rezoning. The Planning Board finds that it is inconsistent with the Huntersville 2040 Community Plan and the 2022 Downtown Master Plan. We find the use of General Rezoning to be inconsistent with policies LU6.3, LU7, LU8.1, LU8.2, LU11, EV1.3, EV2.2, DT1, DT2, DT3.1, DT8.1, DT8.2, DT10.3, and DT11.2. It is not reasonable nor in the public interest to approve the rezoning due to the type of rezoning requested. Our community plans call for a more careful and structured process when redeveloping properties then a general rezoning would provide. We encourage the applicants and individual property owners to come back with individual plans that stand on their own merit. J. Wright seconded the motion.

S. Hensley asked if individual applicants have any time constraint on being able to reapply individually if this application is denied when it reaches the Town Board. J. Chambers, Staff Attorney stated that he believes it would be considered a substantial change which would remove any time constraints for individual applicants to reapply immediately.

Vote: The motion passed (6-2) with J. Sny and S. Hensley opposed.

Item 4B: Consider a recommendation on Petition #R24-06 Rosedale Infill, a request by Antiquity Woods LLC - Joe Roy to rezone approximately 0.186 acres of land located at 9923 Ansonborough Square from NR (TND-O) to NR (TND-O) CD to develop four townhome units.
N. Farber, Senior Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked if Staff has a concern with the proposed Hardie Board exterior versus the existing brick exterior as a rezoning requirement. Staff commented that massing and scale are the areas that are considered and there is no issue within those areas.

L. Hallman asked if the spacing between the buildings being proposed is the same or similar to the spacing of the current buildings. Staff confirmed that it is not the same and they will get the information to determine if it is more or less than the other buildings.

L. Hallman asked for confirmation that the land for the proposed site is not protected as part of the original plans as Common Open Space. Staff confirmed that it was labeled as such under the 1998 ordinances but was not an actual requirement and therefore is not subject to any protections to remain open space.

C. Boyd asked staff to confirm that the parking requirements would be met with the proposed changes. Staff confirmed that all parking requirements are met.

The applicant, S. Crater, Denver, NC presented the proposed development, his history with the area, and highlighted the skills of the designer. The landowner, J. Roy, Cornelius shared that he has spoken with staff and determined that he can commit one of the units to be Attainable Housing. The proposed siding would be complimentary to this site location, visibility from the street, and desired cost to build to achieve the attainability goal.

G. Baber asked if there is an existing homeowner's association and if there is an agreement in place. J. Roy commented that he has spoken with the homeowner's association and expressed a desire to join but it will be up to them to allow them to or not.

C. Boyd asked what the distance of separation is between the buildings as shown in the Antiquity example versus what is being proposed in this rezoning. He expressed concern that it may end up looking like an afterthought.

J. Wright asked if the access for the existing residents, the mailbox designs, and the access to the alleyway have been thought about to be workable for current and future residents. J. Roy responded that they would provide mailboxes. He discouraged the pathway be installed as it encourages anyone to walk through there versus going around the 5 units to the east of it and utilizing the sidewalks.

M. Pollard asked if the developer would consider going deeply affordable versus the current slightly discounted offer. J. Roy responded that he would like to but he cannot commit to at this time. It is his desire to do this in multiple locations but he does not yet have a clear path to be able to accomplish this.

J. Sny asked the applicant if they have any concerns regarding the open space requirements by staff and the conditions in the engineering report tied to the utilities easement. The applicant confirmed that they are fine with staff comments. Staff commented that the engineering report items are an element of the rezoning.

Motion: G. Baber made a motion to recommend approval of R24-06, Rosedale Infill to accommodate the additional four units. The Planning Board finds the request to be consistent with policies LU2.1, LU5.1, LU7.1, LU9.1, and LU11.2 of the Huntersville 2040 Community Plan. The Planning Board recommends allowing the modification to reorient the properties. Approval is subject to the condition: 1) for the applicant to note stating their commitment to formalizing the urban open space. It is reasonable and in the public interest to approve the rezoning plan as it is consistent with the existing development patterns in the vicinity and because the requested modification is in keeping with the spirit of the ordinance. T. Loomis seconded the motion.

G. Baber commented that he is in support because he likes what is being proposed with the existing development, the density is appropriate, and the walkability to area businesses is ideal.

T. Loomis commented that she is in support and likes this type of solution being added to the housing inventory for Huntersville.

S. Hensley commented that he is in support of this development as it is a good solution to get four additional residences on this parcel with minimal infrastructure changes and that is a good solution for encouraging affordable or attainable housing. He commented that he would like to see Huntersville continue to support good developers that bring creative solutions to try to develop a good community and find these types of solutions. He supports the diversity of design.

J. Wright agreed density is important, but she does not care for the diversity in design. Given the changes in the price point that have been quoted she expressed concern over what the final price tag will be and expressed a desire to have the affordable/attainable commitment be something that can be guaranteed. She expressed that she does hope that the homeowner's association will accept these units and that the new residents will be included in the community. Lastly, she hopes that that the developer will protect the private alleyways that are there now for the existing residents through the construction process.

J. Sny asked staff if there were any mechanisms available to them to guarantee affordable or attainable housing. Staff confirmed that there is not a mechanism in place at this time. He expressed that he has seen many of these townhomes through the Lake Norman area and he has no concerns regarding the product.

M. Pollard commented that residents should not view a vacant lot as something that will always stay that way without looking at the plans. Additionally, he encouraged the developer who states that they would like to use this as a template for affordable or attainable housing to really go all in.

L. Hallman commented that he echoes his constituents. He does not have a problem with the siding choice or the spacing.

Vote: The motion passed unanimously (8-0).

Motion: S. Hensley made a motion for J. Henson to rejoin the Board. T. Loomis seconded the motion.

Vote: The motion passed unanimously (8-0).

M. Pollard stated that he has a perceived conflict on Item 4C and requested to be recused.

Motion: G. Baber made a motion to recuse M. Pollard for item 4C. T. Loomis seconded the motion.
Vote: The motion passed unanimously (8-0).

S. Hensley notified the Board that he received a notice regarding this rezoning as he lives within a mile of the project. He does not have a conflict. The Board was polled to determine if they believe there is a conflict, there was none.

Item 4C: Consider a recommendation on #R24-12 located south of Ramah Church Rd. Project Name Walden Berm Revision.

B. Richards, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

J. Wright asked if there would be additional plantings. Staff confirmed that is correct, current discussion is that there will be an additional 70-75 evergreen trees, to be determined by a landscape architect to confirm that the trees can be planted appropriately to survive.

C. Boyd asked if the 3:1 ratio for the berm has been reviewed to be sure that it is stable and will not erode. Staff confirmed that the engineers have gone on site to inspect it and that it will take some time for the dirt to settle and the plantings to take hold but yes, it has been determined that it can and will be stable. In the event that any repairs are needed it will be the responsibility of the owner at the time those repairs are necessary.

J. Sny asked if there was ever discussion to lower the height of the berm and possibly add plantings. Staff did not have knowledge of any discussions.

J. Wright asked which side the ditch is located on and why. Staff confirmed that the ditch is on the side that collects water. The Board asked if the ditch and berm are functioning properly. Staff confirmed that it has been inspected and is functioning properly.

L. Hallman asked what the length of the berm is and how many properties are adjacent to the berm on the north side. Staff stated that it is well over 1,000 feet in length and there have been no complaints regarding the functionality.

L. Hallman confirmed the location of the berm to the proposed Ferreltown Parkway and asked if there were any concerns about site lines in relation to roads and the berm height.

C. Boyd asked what was stopping the applicant from just building it to the plans. C. Gamble, applicant stated that it is not as simple as just adding dirt and the complexity is why we are here.

S. Hensley asked if there has been any discussion with the affected neighbors about possibly finding an agreeable solution, even considering placing solutions on the neighbor's property at the developer's expense. C. Gamble responded that there was a meeting on-site with the neighbors, developers, and Town staff and the developers did offer to plant trees at their expense on the neighbor's land to help with the screening. One property owner was agreeable to that and an attempt to pursue that was made but was not ultimately able to be worked out.

Motion: L. Hallman made a motion to recommend approval of R24-12 Walden Berm Revision with the conditions, 1) that all minor staff comments and redline comments are addressed, 2) modification to allow for variable slope 2:11-3:1 as proposed, 3) RTAP is submitted and approved to update the current Preliminary Plan set, 3)additional evergreen trees are added to the berm to enhance screening from adjacent properties, 4) drainage swale is installed and maintained by the developer and HOA. The proposal is consistent with the 2040 Community Plan policy LU11.1. It is reasonable and in the public interest to approve the rezoning plan because the berm modification does not erode the efficiency and intent of the berm. Additional evergreen trees will enhance the screening of the buffer from adjacent properties. J. Henson seconded the motion.

L. Hallman commented that Jay Henson stated it well that this action is to fix the site plan for the berm to shift the requirement of 3:1 to a variable slope of 2:1-3:1 to enhance the effectiveness of the berm.

J. Henson commented that he agrees, the berm was already agreed to in the past, the plantings and the stabilization of the slope need to comply with the ordinances.

T. Loomis commented that she is trying to put herself in the adjacent property owner's shoes. It would be her preference for the applicant and the adjacent property owners to come to an agreement versus the Board simply telling someone that they have to live with something.

S. Hensley commented that he believes the proposed solution is the correct solution but that there appears to still be a remaining problem with the adjacent property owners and because of that he will not support this. He is not opposed to what is proposed.

C. Boyd walked through the steps he believes would be involved in meeting the current standard and stated that he believes the proposal is a good compromise.

Vote: The motion passed 6-2 with S. Hensley & T. Loomis opposed.

Motion: S. Hensley made a motion for M. Pollard to rejoin the Board. C. Boyd seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4D: Consider a recommendation on Petition #R24-08, a request by Stephen A. McLane to rezone approximately 0.591 acres from Corporate Business to Neighborhood Residential.
N. Farber, Senior Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit D and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked what the applicant plans to do with the property. Staff stated that they have discussed a plan to recombine and subdivide to allow his daughter to build a home.

L. Hallman asked if the adjacent property owner has expressed any concerns. Staff has stated that there have not been and concerns expressed.

J. Sny asked how the existing lot currently has access to his property and if that will be changed. Staff confirmed that there is a dedicated easement.

Motion: C. Boyd made a motion to recommend approval of R24-08, 12936 South Church Street. The Planning Board finds that the rezoning is consistent with the Town of Huntersville 2040 Plan and the Planning Board recommends rezoning from Corporate Business to Neighborhood Residential. It is reasonable and in the public interest to rezone this property because the NR district will be consistent with the adjacent properties and the entire property will have one zoning district. L. Hallman seconded the motion.

J. Sny requested that the motion be amended to include a request for the Future Land Use map to be updated to remove the parcel from Employment Center to Moderate Density to be consistent with the surrounding residential properties in the vicinity. C. Boyd and L. Hallman accepted the amendment.

C. Boyd commented that he can support this General Rezoning for one parcel with the intent in mind.

L. Hallman commented that he agrees and this is a downzoning to add a residential property which is a good idea.

Vote: The motion passed unanimously (9-0).

Item 4E: Consider making a recommendation on Petition #R24-05 Hillco Skilled Nursing Facility, a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business to Campus Institutional Conditional District to develop a Skilled Nursing Facility. The property is located at 13600 Reese Boulevard East in the Huntersville Business Park.
B. Priest, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit E and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked staff to show how close this proposed project is to the adjacent property and confirm what staff is looking for in communication from the adjacent property. Staff showed that it is a shared driveway and staff is looking for confirmation of communication that they are working with the applicant on the proposed improvements to the shared driveway.

J. Sny asked about the water quality modification request in comparison to the stormwater in the engineering plans that resulted in 40% treated and the balance being allowed to run-off. Staff confirmed that these are the same thing, only a certain amount of the stormwater is being treated because of the topography.

J. Sny asked what the buffer recommendations will be. Staff confirmed that the 20' buffer will be disturbed and replanted. Staff requested additional evergreen ratio to deciduous tree ratio to work at the opaqueness.

J. Sny asked about the note request regarding excellence in design. Staff confirmed that they are requesting that note be added to the approval to formalize that what is being presented by the applicant as a concept actually occurs in the final product.

M. Pollard asked if the flood plain is a 100-year and if any consideration is given to that given recent weather circumstances and ensuring the safety of the residents. Staff commented that they do believe the flood plain is a 100-year and that is managed by Mecklenburg County, the project will be required to meet all Mecklenburg County standards.

L. Hallman asked if there is 50-feet from I-77 to the actual building. Staff estimated that there is 20' of buffer, 24' of driveway, and 5' of landscaping between I-77 and the building.

M. Pollard asked what NCDOT sound attenuation barrier requirements are given the proximity of the project to the highway. Staff confirmed that NCDOT is required to do a sound study if NCDOT generates a project, not in response to development that occurs adjacent to highways.

R. Irvin, Cornelius, NC for the applicant confirmed that they are in agreement to put the note on the plans that what is proposed in the concept will be the final design. A color rendering of what is proposed for the urban open space was shown and the elevation and buffer's rendering was shown from the proposed building to I-77.

S. Hensley asked the applicant where they stand on the agreement for the roundabout. The applicant responded that they have already reached out to the neighbors, there is an existing cross-access easement with a statement that improvements can occur and maintenance would be shared, they are working to finalize that now.

Motion: S. Hensley made a motion to recommend approval of R24-05 Hillco Skilled Nursing Facility with the following conditions, 1) written acknowledgement from the adjacent property owner is received allowing the upfit of the driveway roundabout into an urban open space and a conditional note is added to the rezoning notes formalizing the commitment to it's design, 2) a rezoning note added to formalize construction of the concept elevations, 3) minor site plan comments from staff are met before final approval. With the conditions met the plan will be consistent with the 2040 Huntersville Community Plan, policies LU1.1, LU5, LU6.1, EOS3.1, LU8.2. It is reasonable and in the public interest to approval the rezoning plan because it further diversifies the uses in the Huntersville business park, provides approximately 160 high paying medical jobs for the community, provides Huntersville residents another option to remain in Huntersville as they age, preserves 84% of the specimen trees, adds significantly to the tax base with little demand on public services, and contributes to the good of the town by participating in the construction of a Town greenway. J. Wright seconded the motion.

S. Hensley commented that he thinks it is a great project on a challenging site and is happy to see the creative solutions between the applicant and staff.

J. Wright agreed that it is necessary and she is glad to see that it is coming to Huntersville.

M. Pollard agreed that it is a good project that exemplifies the complimentary nature of various types of services of businesses you're right around the corner from the hospital and is really want the Planning Board wants to see.

L. Hallman commented that he is a user of the business park and as it has developed maybe we should revisit what it is zoned for because it may not be the best uses and the apartments and other types of building types that have gone in there. He is glad to see that in giving up the vesting rights a better design and use can be developed here. He thought that the modifications make sense and contribute to the site and the surrounding area and restricting the uses to health care only make a lot of sense.

J. Henson commented that he agrees, it is a great use for a tough site and it a great design that will fit in well with the business park.

Vote: The motion passed unanimously (9-0).

Adjourn
Motion: C. Boyd made a Motion to Adjourn. L. Hallman seconded the motion.
Vote: The motion passed unanimously (9-0).

Approved this ____ day of _____ 2024.

_____

Chairman or Vice Chairman

_____

Board Secretary

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, November 20, 2024.

Call to Order/Roll Call
Chairman Sny called the meeting to order at 6:30 pm.
Present: J. Sny, C. Boyd, J. Henson, S. Hensley, L. Hallman, G. Baber, M. Pollard, T. Loomis & J. Wright
Absent: None

Approval of Minutes
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Motion: C. Boyd made a Motion to Approve the Amended October 22, 2024, minutes. M. Pollard seconded the motion.
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Public Comments:
Brittany Duncan, Huntersville; Against – Item 4A
Frank Gammon, Huntersville; Against – Item 4A
Amy Hallman, Huntersville; Against – Item 4A
Elaine Kerns, Huntersville; Against – Item 4A
Derong Huang, Huntersville (Applicant R24-09); For – Item 4A
Cole Miller, Huntersville; Against – Item 4B
Marilyn Ainslie, Huntersville; Against – Item 4C
Josh Burberick, Huntersville; Against - Item 4C
Toni Burberick, Huntersville; Against – Item 4C

J. Henson stated that he had a conflict on Items 4A and 4B.
Motion: J. Sny made a motion to recuse J. Henson for items 4A and 4B. S. Hensley seconded the motion.
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Action Items
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M. Pollard commented that General Rezoning has a place in the community such as an Industrial Park where few adjacent neighbors would be affected, he expressed concern that this may not be the place for a General Rezoning given the invested diversity of the properties including Huntersville Elementary, Discovery Place Kids, and existing residents.

The Board had followed up discussion to understand fully current permitted uses, current permitted hours of business, and current permitted outdoor music. Staff confirmed that any conditional rezoning negotiation requires the Town and applicant to come to an agreement to be accepted and that current business, 760 Craft Works currently has no time limits on playing music outdoors.
J. Sny asked if properties 115 & 117 Gilead Road could be purchased by one entity and used for a singular project. Staff confirmed that could happen and would most likely require recombination.

L. Hallman asked if North State purchased 115 & 117 Gilead Road, if they could incorporate that into their existing development. Staff responded that it would require written agreements between the two developments and would not change the buffer requirements.

Motion: S. Hensley made a motion to recommend approval of R24-09, Town Center General Rezoning. The Planning Board finds that it is consistent with the Huntersville 2040 Community Plan and specifically policies LU6.1, 6.2, EV1.2, 2.2, 2.3, and the Gathering Principle of the Downtown Master Plan. The Town Center zoning district will be consistent with the character and uses adjacent to the subject properties. It is reasonable and in the public interest to amend the Zoning ordinance to help facilitate future development of the subject parcels, to help the Town and the citizens of the 2040 Master Plan and 2022 Downtown Master Plan. M. Pollard seconded the motion.

S. Hensley commented that in his opinion this is a philosophical decision as much as it is a Zoning decision. He stated that in his opinion, owners of real estate should be able to do what they want with their property within the scope of the laws. There are plenty of properties zoned TC now that people can develop by-right and there are still Zoning Ordinances that must be followed for that zoning district. It is easier for a small owner to come through the General Rezoning process versus the Conditional Rezoning process and price tag. In his opinion this is appropriate because it is adjoining parcels that are Town Center zoning and, in his opinion, most residents would like to see Gilead Road developed with more commercial development and this would assist the current owners with facilitating that process.

M. Pollard commented that he thinks that there is value in the General Rezoning process when you have a good idea of the outcome in structure and use but this may not be appropriate in the Town Center core as a makeup of the Downtown.

C. Boyd asked for confirmation if a single parcel could come for a General Rezoning versus a Conditional Rezoning. Staff confirmed that this is the same thing that is occurring tonight.

G. Baber commented that rezoning to Town Center for these parcels appears to make sense, but it also sounds like residents would like to have more say over what uses will be permitted through the Conditional Rezoning process.

T. Loomis commented that she would like to see the parcels not be bundled together in the request.

J. Wright commented that she appreciates who her neighbor is and that it is important to be able to know what the anticipated use would be.

L. Hallman commented that the parcels should not be bundled, and he feels for the small business owners in the potential associated fees but there will be site plan fees with development either way. In his opinion, the parcel at 121 Gilead Road does not need the rezoning because it per the staff report it is commercial office with a proposed commercial office use, 106 and 115 Gilead Road say single-family residential to proposed single-family residential. 117 Gilead Road states that it wants to rezone from a daycare, but it has already been approved to be a restaurant, with proposed uses allowed under Town Center zoning.

S. Hensley commented that one reason that he likes by-right zoning is because he has seen great plans come in as conditional rezonings that have been denied due to people getting off on a tangent or for a relatively irrelevant matter, as an example tree save. Trees are great but denying an entire plan because tree save is barely met or not exceeded is not good practice. The Zoning Ordinance has been vetted and allowing parcels to change their overall zoning to allow for the vetted uses makes sense.

T. Loomis commented that the bundle of the properties with all the applicants not being present is an issue for her.

Vote: The motion failed (1-7) with C. Boyd, T. Loomis, G. Baber, J. Sny, J. Wright, M. Pollard, and L. Hallman opposed.

Motion: L. Hallman made a motion to recommend denial of R24-09, Town Center General Rezoning. The Planning Board finds that it is inconsistent with the Huntersville 2040 Community Plan and the 2022 Downtown Master Plan. We find the use of General Rezoning to be inconsistent with policies LU6.3, LU7, LU8.1, LU8.2, LU11, EV1.3, EV2.2, DT1, DT2, DT3.1, DT8.1, DT8.2, DT10.3, and DT11.2. It is not reasonable nor in the public interest to approve the rezoning due to the type of rezoning requested. Our community plans call for a more careful and structured process when redeveloping properties then a general rezoning would provide. We encourage the applicants and individual property owners to come back with individual plans that stand on their own merit. J. Wright seconded the motion.

S. Hensley asked if individual applicants have any time constraint on being able to reapply individually if this application is denied when it reaches the Town Board. J. Chambers, Staff Attorney stated that he believes it would be considered a substantial change which would remove any time constraints for individual applicants to reapply immediately.

Vote: The motion passed (6-2) with J. Sny and S. Hensley opposed.

Item 4B: Consider a recommendation on Petition #R24-06 Rosedale Infill, a request by Antiquity Woods LLC - Joe Roy to rezone approximately 0.186 acres of land located at 9923 Ansonborough Square from NR (TND-O) to NR (TND-O) CD to develop four townhome units.
N. Farber, Senior Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked if Staff has a concern with the proposed Hardie Board exterior versus the existing brick exterior as a rezoning requirement. Staff commented that massing and scale are the areas that are considered and there is no issue within those areas.

L. Hallman asked if the spacing between the buildings being proposed is the same or similar to the spacing of the current buildings. Staff confirmed that it is not the same and they will get the information to determine if it is more or less than the other buildings.

L. Hallman asked for confirmation that the land for the proposed site is not protected as part of the original plans as Common Open Space. Staff confirmed that it was labeled as such under the 1998 ordinances but was not an actual requirement and therefore is not subject to any protections to remain open space.

C. Boyd asked staff to confirm that the parking requirements would be met with the proposed changes. Staff confirmed that all parking requirements are met.

The applicant, S. Crater, Denver, NC presented the proposed development, his history with the area, and highlighted the skills of the designer. The landowner, J. Roy, Cornelius shared that he has spoken with staff and determined that he can commit one of the units to be Attainable Housing. The proposed siding would be complimentary to this site location, visibility from the street, and desired cost to build to achieve the attainability goal.

G. Baber asked if there is an existing homeowner's association and if there is an agreement in place. J. Roy commented that he has spoken with the homeowner's association and expressed a desire to join but it will be up to them to allow them to or not.

C. Boyd asked what the distance of separation is between the buildings as shown in the Antiquity example versus what is being proposed in this rezoning. He expressed concern that it may end up looking like an afterthought.

J. Wright asked if the access for the existing residents, the mailbox designs, and the access to the alleyway have been thought about to be workable for current and future residents. J. Roy responded that they would provide mailboxes. He discouraged the pathway be installed as it encourages anyone to walk through there versus going around the 5 units to the east of it and utilizing the sidewalks.

M. Pollard asked if the developer would consider going deeply affordable versus the current slightly discounted offer. J. Roy responded that he would like to but he cannot commit to at this time. It is his desire to do this in multiple locations but he does not yet have a clear path to be able to accomplish this.

J. Sny asked the applicant if they have any concerns regarding the open space requirements by staff and the conditions in the engineering report tied to the utilities easement. The applicant confirmed that they are fine with staff comments. Staff commented that the engineering report items are an element of the rezoning.

Motion: G. Baber made a motion to recommend approval of R24-06, Rosedale Infill to accommodate the additional four units. The Planning Board finds the request to be consistent with policies LU2.1, LU5.1, LU7.1, LU9.1, and LU11.2 of the Huntersville 2040 Community Plan. The Planning Board recommends allowing the modification to reorient the properties. Approval is subject to the condition: 1) for the applicant to note stating their commitment to formalizing the urban open space. It is reasonable and in the public interest to approve the rezoning plan as it is consistent with the existing development patterns in the vicinity and because the requested modification is in keeping with the spirit of the ordinance. T. Loomis seconded the motion.

G. Baber commented that he is in support because he likes what is being proposed with the existing development, the density is appropriate, and the walkability to area businesses is ideal.

T. Loomis commented that she is in support and likes this type of solution being added to the housing inventory for Huntersville.

S. Hensley commented that he is in support of this development as it is a good solution to get four additional residences on this parcel with minimal infrastructure changes and that is a good solution for encouraging affordable or attainable housing. He commented that he would like to see Huntersville continue to support good developers that bring creative solutions to try to develop a good community and find these types of solutions. He supports the diversity of design.

J. Wright agreed density is important, but she does not care for the diversity in design. Given the changes in the price point that have been quoted she expressed concern over what the final price tag will be and expressed a desire to have the affordable/attainable commitment be something that can be guaranteed. She expressed that she does hope that the homeowner's association will accept these units and that the new residents will be included in the community. Lastly, she hopes that that the developer will protect the private alleyways that are there now for the existing residents through the construction process.

J. Sny asked staff if there were any mechanisms available to them to guarantee affordable or attainable housing. Staff confirmed that there is not a mechanism in place at this time. He expressed that he has seen many of these townhomes through the Lake Norman area and he has no concerns regarding the product.

M. Pollard commented that residents should not view a vacant lot as something that will always stay that way without looking at the plans. Additionally, he encouraged the developer who states that they would like to use this as a template for affordable or attainable housing to really go all in.

L. Hallman commented that he echoes his constituents. He does not have a problem with the siding choice or the spacing.

Vote: The motion passed unanimously (8-0).

Motion: S. Hensley made a motion for J. Henson to rejoin the Board. T. Loomis seconded the motion.

Vote: The motion passed unanimously (8-0).

M. Pollard stated that he has a perceived conflict on Item 4C and requested to be recused.

Motion: G. Baber made a motion to recuse M. Pollard for item 4C. T. Loomis seconded the motion.
Vote: The motion passed unanimously (8-0).

S. Hensley notified the Board that he received a notice regarding this rezoning as he lives within a mile of the project. He does not have a conflict. The Board was polled to determine if they believe there is a conflict, there was none.

Item 4C: Consider a recommendation on #R24-12 located south of Ramah Church Rd. Project Name Walden Berm Revision.

B. Richards, Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

J. Wright asked if there would be additional plantings. Staff confirmed that is correct, current discussion is that there will be an additional 70-75 evergreen trees, to be determined by a landscape architect to confirm that the trees can be planted appropriately to survive.

C. Boyd asked if the 3:1 ratio for the berm has been reviewed to be sure that it is stable and will not erode. Staff confirmed that the engineers have gone on site to inspect it and that it will take some time for the dirt to settle and the plantings to take hold but yes, it has been determined that it can and will be stable. In the event that any repairs are needed it will be the responsibility of the owner at the time those repairs are necessary.

J. Sny asked if there was ever discussion to lower the height of the berm and possibly add plantings. Staff did not have knowledge of any discussions.

J. Wright asked which side the ditch is located on and why. Staff confirmed that the ditch is on the side that collects water. The Board asked if the ditch and berm are functioning properly. Staff confirmed that it has been inspected and is functioning properly.

L. Hallman asked what the length of the berm is and how many properties are adjacent to the berm on the north side. Staff stated that it is well over 1,000 feet in length and there have been no complaints regarding the functionality.

L. Hallman confirmed the location of the berm to the proposed Ferreltown Parkway and asked if there were any concerns about site lines in relation to roads and the berm height.

C. Boyd asked what was stopping the applicant from just building it to the plans. C. Gamble, applicant stated that it is not as simple as just adding dirt and the complexity is why we are here.

S. Hensley asked if there has been any discussion with the affected neighbors about possibly finding an agreeable solution, even considering placing solutions on the neighbor's property at the developer's expense. C. Gamble responded that there was a meeting on-site with the neighbors, developers, and Town staff and the developers did offer to plant trees at their expense on the neighbor's land to help with the screening. One property owner was agreeable to that and an attempt to pursue that was made but was not ultimately able to be worked out.

Motion: L. Hallman made a motion to recommend approval of R24-12 Walden Berm Revision with the conditions, 1) that all minor staff comments and redline comments are addressed, 2) modification to allow for variable slope 2:11-3:1 as proposed, 3) RTAP is submitted and approved to update the current Preliminary Plan set, 3)additional evergreen trees are added to the berm to enhance screening from adjacent properties, 4) drainage swale is installed and maintained by the developer and HOA. The proposal is consistent with the 2040 Community Plan policy LU11.1. It is reasonable and in the public interest to approve the rezoning plan because the berm modification does not erode the efficiency and intent of the berm. Additional evergreen trees will enhance the screening of the buffer from adjacent properties. J. Henson seconded the motion.

L. Hallman commented that Jay Henson stated it well that this action is to fix the site plan for the berm to shift the requirement of 3:1 to a variable slope of 2:1-3:1 to enhance the effectiveness of the berm.

J. Henson commented that he agrees, the berm was already agreed to in the past, the plantings and the stabilization of the slope need to comply with the ordinances.

T. Loomis commented that she is trying to put herself in the adjacent property owner's shoes. It would be her preference for the applicant and the adjacent property owners to come to an agreement versus the Board simply telling someone that they have to live with something.

S. Hensley commented that he believes the proposed solution is the correct solution but that there appears to still be a remaining problem with the adjacent property owners and because of that he will not support this. He is not opposed to what is proposed.

C. Boyd walked through the steps he believes would be involved in meeting the current standard and stated that he believes the proposal is a good compromise.

Vote: The motion passed 6-2 with S. Hensley & T. Loomis opposed.

Motion: S. Hensley made a motion for M. Pollard to rejoin the Board. C. Boyd seconded the motion.

Vote: The motion passed unanimously (8-0).

Item 4D: Consider a recommendation on Petition #R24-08, a request by Stephen A. McLane to rezone approximately 0.591 acres from Corporate Business to Neighborhood Residential.
N. Farber, Senior Planner entered his staff report into the record, a copy of which is attached hereto as Exhibit D and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked what the applicant plans to do with the property. Staff stated that they have discussed a plan to recombine and subdivide to allow his daughter to build a home.

L. Hallman asked if the adjacent property owner has expressed any concerns. Staff has stated that there have not been and concerns expressed.

J. Sny asked how the existing lot currently has access to his property and if that will be changed. Staff confirmed that there is a dedicated easement.

Motion: C. Boyd made a motion to recommend approval of R24-08, 12936 South Church Street. The Planning Board finds that the rezoning is consistent with the Town of Huntersville 2040 Plan and the Planning Board recommends rezoning from Corporate Business to Neighborhood Residential. It is reasonable and in the public interest to rezone this property because the NR district will be consistent with the adjacent properties and the entire property will have one zoning district. L. Hallman seconded the motion.

J. Sny requested that the motion be amended to include a request for the Future Land Use map to be updated to remove the parcel from Employment Center to Moderate Density to be consistent with the surrounding residential properties in the vicinity. C. Boyd and L. Hallman accepted the amendment.

C. Boyd commented that he can support this General Rezoning for one parcel with the intent in mind.

L. Hallman commented that he agrees and this is a downzoning to add a residential property which is a good idea.

Vote: The motion passed unanimously (9-0).

Item 4E: Consider making a recommendation on Petition #R24-05 Hillco Skilled Nursing Facility, a request by Novant Health Inc. to rezone approximately 13.9 acres of land from Corporate Business to Campus Institutional Conditional District to develop a Skilled Nursing Facility. The property is located at 13600 Reese Boulevard East in the Huntersville Business Park.
B. Priest, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit E and incorporated herein by reference. Staff reviewed the proposed rezoning, proposed uses, and stated that staff is in support of the rezoning request.

C. Boyd asked staff to show how close this proposed project is to the adjacent property and confirm what staff is looking for in communication from the adjacent property. Staff showed that it is a shared driveway and staff is looking for confirmation of communication that they are working with the applicant on the proposed improvements to the shared driveway.

J. Sny asked about the water quality modification request in comparison to the stormwater in the engineering plans that resulted in 40% treated and the balance being allowed to run-off. Staff confirmed that these are the same thing, only a certain amount of the stormwater is being treated because of the topography.

J. Sny asked what the buffer recommendations will be. Staff confirmed that the 20' buffer will be disturbed and replanted. Staff requested additional evergreen ratio to deciduous tree ratio to work at the opaqueness.

J. Sny asked about the note request regarding excellence in design. Staff confirmed that they are requesting that note be added to the approval to formalize that what is being presented by the applicant as a concept actually occurs in the final product.

M. Pollard asked if the flood plain is a 100-year and if any consideration is given to that given recent weather circumstances and ensuring the safety of the residents. Staff commented that they do believe the flood plain is a 100-year and that is managed by Mecklenburg County, the project will be required to meet all Mecklenburg County standards.

L. Hallman asked if there is 50-feet from I-77 to the actual building. Staff estimated that there is 20' of buffer, 24' of driveway, and 5' of landscaping between I-77 and the building.

M. Pollard asked what NCDOT sound attenuation barrier requirements are given the proximity of the project to the highway. Staff confirmed that NCDOT is required to do a sound study if NCDOT generates a project, not in response to development that occurs adjacent to highways.

R. Irvin, Cornelius, NC for the applicant confirmed that they are in agreement to put the note on the plans that what is proposed in the concept will be the final design. A color rendering of what is proposed for the urban open space was shown and the elevation and buffer's rendering was shown from the proposed building to I-77.

S. Hensley asked the applicant where they stand on the agreement for the roundabout. The applicant responded that they have already reached out to the neighbors, there is an existing cross-access easement with a statement that improvements can occur and maintenance would be shared, they are working to finalize that now.

Motion: S. Hensley made a motion to recommend approval of R24-05 Hillco Skilled Nursing Facility with the following conditions, 1) written acknowledgement from the adjacent property owner is received allowing the upfit of the driveway roundabout into an urban open space and a conditional note is added to the rezoning notes formalizing the commitment to it's design, 2) a rezoning note added to formalize construction of the concept elevations, 3) minor site plan comments from staff are met before final approval. With the conditions met the plan will be consistent with the 2040 Huntersville Community Plan, policies LU1.1, LU5, LU6.1, EOS3.1, LU8.2. It is reasonable and in the public interest to approval the rezoning plan because it further diversifies the uses in the Huntersville business park, provides approximately 160 high paying medical jobs for the community, provides Huntersville residents another option to remain in Huntersville as they age, preserves 84% of the specimen trees, adds significantly to the tax base with little demand on public services, and contributes to the good of the town by participating in the construction of a Town greenway. J. Wright seconded the motion.

S. Hensley commented that he thinks it is a great project on a challenging site and is happy to see the creative solutions between the applicant and staff.

J. Wright agreed that it is necessary and she is glad to see that it is coming to Huntersville.

M. Pollard agreed that it is a good project that exemplifies the complimentary nature of various types of services of businesses you're right around the corner from the hospital and is really want the Planning Board wants to see.

L. Hallman commented that he is a user of the business park and as it has developed maybe we should revisit what it is zoned for because it may not be the best uses and the apartments and other types of building types that have gone in there. He is glad to see that in giving up the vesting rights a better design and use can be developed here. He thought that the modifications make sense and contribute to the site and the surrounding area and restricting the uses to health care only make a lot of sense.

J. Henson commented that he agrees, it is a great use for a tough site and it a great design that will fit in well with the business park.

Vote: The motion passed unanimously (9-0).

Adjourn
Motion: C. Boyd made a Motion to Adjourn. L. Hallman seconded the motion.
Vote: The motion passed unanimously (9-0).

Approved this 28 day of JANUARY ~~2024.~~ 2025

Chairman or Vice Chairman

Board Secretary